

2013 Workforce Safety & Insurance (WSI) Legislative Quick Guide (as of 5/13/13)**HB 1021 WSI Appropriation Bill****House vote:** DP 92-0**Senate vote:** DP 47-0**Signed by Governor April 29, 2013**

- Provides a WSI budget appropriation of \$63,322,422 and 250.14 FTEs.

HB 1051 Study of Workers' Compensation Preferred Provider Program (WCRC) [Board Supports]**House IBL Vote:** DP 14-0 **House Vote:** DP 94-0**Senate IBL Vote:** DP 7-0 **Senate vote:** DP 47-0**Signed by Governor March 26, 2013**

- Provides for a study to be conducted by the Workers' Compensation Review Committee during the 2013-2014 interim relating to the Preferred Provider Program.
- Provides that the study may be conducted as an element of the independent performance evaluation conducted under NDCC Section 65-02-30.

Fiscal impact: The study would be included as an element of the statutorily required independent performance evaluation of which funding authority already exists. No additional fiscal impact is anticipated.

HB 1052 (Engrossed w/Senate Amendments) Preferred Provider Program—Employer Notification (WCRC) [Board Supports w/ Amendment]**House IBL Vote:** DP 15-0 Amended **House Vote:** DP 91-0**Senate IBL Vote:** DP 6-1 Amended **Senate vote:** DP 47-0**House Concurred and Passed 92-0****Signed by Governor Apr15, 2013**

- Provides that the employer shall provide written notice of the identity and terms of the preferred provider program to its employees upon initial selection of a preferred provider or a change in preferred provider as well as to every new employee hired after the initial selection was made.
- Notice must be provided at least annually to all employees after the initial notice.

Fiscal impact: None is anticipated.

HB 1080 (w Senate Amendments) WSI Injury Services Bill [Board Supports]**House IBL vote:** DP 14-0 **House vote:** DP 94-0, 2nd Reading Passed 90-3**Senate IBL vote:** DP 5-2 Amended **Senate vote:** 45-2**Signed by Governor Apr 24, 2013**

- Allows WSI to consider federal wages when determining the average weekly wage of a National Guard member injured while serving on state active duty.
- Enables WSI to consider non-covered wages received post-injury by an injured worker when WSI is determining vocational rehabilitation options or entitlement to disability benefits.
- Combines biennial report reporting requirements into one section of law rather than two.

- Allows WSI to recoup any benefits paid should a person seeking benefits because of the death of an employee receive benefits from another state for the same injury.
- Provides for a discontinuation of benefits for those incarcerated in excess of 180 consecutive days and a suspension of benefits for those incarcerated between 3 and 180 days.
- Corrects an oversight from the previous Legislative Assembly within the permanent partial impairment (PPI) statute.
- Updates terms used in the Rehabilitation Chapter, 65-05.1, to reflect the vocational rehabilitation program is now in-house and is no longer a contracted service.
- Eliminates the provision in the Rehabilitation Chapter that allows for suspension of benefits for certain types of vocational rehabilitation noncompliance.
- Provides that a work search is required for those injured workers who do not meet the criteria of the vocational rehabilitation options, but are capable of performing some type of work.

Fiscal impact: No significant impact to premium rate or reserve levels is anticipated.

HB 1081 State Agency Workers Compensation Program—Report to Budget Section [Board Supports]

House IBL Vote: DP 14-0 House Vote: DP 94-0

Senate IBL Vote: DP 7-0 Senate vote: DP 47-0

Signed by Governor March 26, 2013

- Eliminates the periodic reporting requirement to the budget section in regards to the state entities consolidated workers compensation program.

Fiscal impact: None.

HB 1163 (w Senate Amendments) Definition of Compensable Injury [Board Supports]

House IBL Vote: DP 11-4 House Vote: DP 61-28, 2nd Reading Passed 65-28

Senate IBL Vote: 5-2 Amended Senate vote: 27-19

Signed by Governor Apr 26, 2013

- Clarification in response to a recent Supreme Court Case where the Court has indicated confusion in discerning the legislature's intent regarding proper application of claims involving preexisting medical conditions.

Fiscal impact: None. Proposed bill will not result in a change to WSI's historical application of the statute.

SB 2080 WSI Employer Services Bill [Board Supports]

Senate IBL vote: DP 7-0 Senate vote: DP 46-1

House IBL vote: DP 12-3 House vote: DP 87-3

Signed by Governor April 1, 2013

- Provides for the advance collection of premiums from accounts with a higher risk of default.
- Increases penalties for noncomplying employers.
- Provides for the recovery of delinquent premiums, penalties, and interest from compensation payments in the event the injured worker was also the employer in default.
- Clarifies the determination of benefits and premiums for emergency volunteer health practitioners.

- Provides for the assessment of a fee as the basis for determining premium for volunteer organizations.
- Provides for the assessment of a fee as the basis for determining premium for vocational training and work evaluation programs.
- Clarifies that under the extraterritorial statute wages reported should include wages earned in the state and not just wages paid in the state.

Fiscal impact: No significant impact to premium rate levels is anticipated.

SB 2134 (Engrossed) Definition of Law Enforcement Officer [Board Supports]

Senate IBL vote: DP 7-0 Amended Senate vote: DP 44-0

House IBL vote: DP 13-1 House vote: DP 88-4

Signed by Governor April 1, 2013

- Modifies the definition of law enforcement officer to include full-time North Dakota Parks and Recreation department personnel appointed to peace officer status by the Director of North Dakota Parks and Recreation. As a result, they will fall under law enforcement presumption coverage.

Fiscal impact: No impact to statewide premium rate and reserve levels. Will serve to increase premiums for the ND Parks and Recreation Department by approximately \$7,000 per year.

SB 2178 Vehicle Allowance [Board Supports]

Senate IBL vote: DP 7-0 Senate vote: DP 47-0

House IBL vote: DP 12-0 House vote: DP 92-0

Signed by Governor April 2, 2013

- Increases the maximum amount payable for vehicles and vehicle adaptation expenses from \$100,000 to \$150,000.

Fiscal impact: No material impact to statewide premium rate and reserve levels.

SB 2298 (Engrossed w/Conference Committee Amendments) Treating Doctors Opinion [Board Supports]

Senate IBL vote: DP 7-0 Amended Senate vote: DP 46-0

House IBL vote: DP 10-4 w/House Amendments House vote: DP 63-28

2nd Reading Passed both Chambers - Senate 24-22 and House 66-27

Signed by Governor May 3, 2013

- Clarifies criteria for resolving conflicting medical opinions.

Fiscal impact: May preclude further litigation costs resulting from alternative interpretations of the current statute.

Failed Bills

HB 1053 Medical Provider Disclosure (WCRC) [Board Neutral]

House IBL Vote: DNP 14-1 House Vote: DNP 8-86

- Requires medical providers that have entered into a professional relationship with WSI to inform injured workers they may treat, of the relationship with WSI.

Fiscal impact: No fiscal impact is anticipated.

HB 1376 Mental/Mental Injury-First Responder Bill [Board Neutral]

House IBL Vote: DNP 13-1 House Vote: DNP 20-71

- Provides coverage of benefits for “first responders” who sustain a mental injury arising from mental stimulus if the conditions causing the injury were extraordinary and unusual.
- Excludes mental injuries arising from normal employer and employee relations such as personnel actions.

Fiscal impact: Not quantifiable. May serve to increase premiums within the “first responder” rate classifications.

HB 1457 Injured Employee Liaison Program [Board Opposes]

House IBL Vote: DNP 11-4 House Vote: DNP 21-68

- Establishes a liaison program for injured workers.

Fiscal impact: Uncertain at this time whether program will require additional staff and resources.

SB 2050 Permanent Partial Impairment (PPI) Rating Disputes (WCRC) [Board Opposes]

Senate IBL Vote: DNP 6-1 Senate vote: DNP 14-33

- Establishes criteria for determining a prevailing PPI rating after a PPI rating determination is made by an independent doctor.

Fiscal impact: No significant fiscal impact is anticipated.

SB 2297 Study of WSI’s Treatment of Preexisting Medical Conditions [Board Opposes]

Senate IBL vote: DP 5-2 Senate vote: DP 46-0

House IBL vote: DNP 13-1 House vote: DNP 18-75

- Provides for a legislative management study of the state’s workers’ compensation system’s treatment of preexisting medical conditions.

Fiscal impact: None.

SB 2321 (Engrossed) Volunteer Firefighters—Determining Compensation [Board Supports]

Senate IBL vote: DP 7-0 Senate vote: DP 47-0

House IBL vote: DNP 8-7 House vote: DNP 38-54

- Provides for the consideration of wages from all employment in determining compensation benefits for volunteer firefighters.

Fiscal impact: No significant impact is anticipated.